

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GREGORY S. KONTAXES, )  
Plaintiff, )  
vs. ) Civil Action No. 12-1160  
STEVEN GARY KONTAXES, ) Judge Mark R. Hornak  
Perryopolis Policeman, ) Magistrate Judge Maureen P. Kelly  
Defendant. )

**O R D E R**

AND NOW, this 4<sup>th</sup> day of January, 2013, after the Plaintiff, Gregory S. Kontaxes, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the Plaintiff until January 3, 2013, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that, pursuant to the screening provisions of the Prison Litigation Reform Act, the Complaint is dismissed for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.



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MARK R. HORNAK

United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

Gregory S. Kontaxes  
FB-3371  
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All Counsel of Record by electronic filing